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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,041	09/11/2003	Benjamin T. Gomez	47079-0230	5774

30223 7590 04/19/2006

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,041

Applicant(s)

GOMEZ ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 1/30/06. Currently, claims 1-20 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (US 2003/0162578).**

Claim 1: Baerlocher discloses a method for conducting a wagering game. The method comprises receiving a wager (paragraph 0030); displaying a plurality of incomplete offers (e.g. selections 102 through 150) (Fig. 3A; paragraph 0038); allowing the player to accept an incomplete offer (e.g. the incomplete offer 104 in Fig. 3E) to form an accepted offer (e.g. the accepted offer of fifteen credits in Fig. 3F); and awarding the accepted offer to the player (paragraph 0040). Baerlocher does not explicitly disclose completing the incomplete offers after the player accepts the incomplete offer. However, Baerlocher suggests completing the incomplete offers after the player accepts the final remaining offer in an alternative embodiment (Fig. 3H; paragraphs 0041 and 0037), Baerlocher obviously encompasses completing the incomplete offers after the player accepts the incomplete offer in order to provide

increased entertainment by revealing to the player the offers that the player may have potentially been offered if the player had picked different selections at the onset of the bonus game. Baerlocher provides the motivation in the last five lines of paragraph 0037.

Claim 2: Baerlocher discloses associating awards with the incomplete offers (paragraph 0032). Further, changing awards associated with respective incomplete offers after each game would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 3: Baerlocher discloses associating the completed offers with the respective final awards that do not change (Fig. 3H).

Claim 4-5: Baerlocher discloses conducting a reel slot game and displaying the bonus game in response to a special outcome in the basic game (paragraphs 0030-0031).

Claim 6: Baerlocher discloses initially associating a number of incomplete offers with the player (e.g. allowing a number of picks) (paragraph 0032). Further, associating offers with the player prior displaying the offers on a display would have been both well-known and obvious design choice according to the game designer's preference.

Claim 7: Baerlocher discloses allowing the player to change an offer (e.g. player picks another selection) (paragraph 0039).

Claim 8-18: refer to discussion in claims 1-7 above.

Claim 19-20: accumulating credit amounts at different rates and each credit amount accumulates at a rate that fluctuates over time would have been both well-

known and obvious design choice as desired by the game designer.

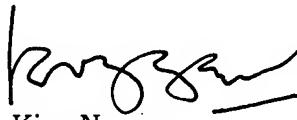
***Response to Arguments***

The U.S. Patent Application Publication No. 2005/0055115 to Gerrard et al is withdrawn from applying as a prior art to the present application and the rejections under 35 USC 103(a) in the office action issued on 11/15/05 is withdrawn due to the filing of an affidavit 37 C.F.R. § 1.131. A new ground of rejection has been established in this office action, refer to the 35 USC § 103 rejections on claims 1-20 above.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Date: April 12, 2006

  
Kim Nguyen  
Primary Examiner  
Art Unit 3713